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PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

HEARING DATE: January 31, 2002

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Planning Application PA 01-0107 for a Site Plan.

LOCATION: 28106 Silverado Canyon Road, Silverado Canyon

APPLICANT: William Collar, owner

STAFF CONTACT: James Thue, Project Manager
Phone: (714) 834-2179 FAX: (714) 834-4652

SYNOPSIS: The applicant seeks to establish a commercial wood lot and a vehicle/boat storage facility. Staff recommends approval of PA 01-0107 subject to findings and conditions.

BACKGROUND:

The project site is located adjacent to Silverado Creek and is approximately 1.35 acres in size. The site is zoned C1 "Local Business" District and is subject to the Silverado-Modjeska Specific Plan. An old service station, a small area dedicated for nursery use, and a fenced off area used for storage of vehicles, trailers, and portable buildings are located on the property. A lawful nonconforming residence is also located on the property. The residence was constructed in the late 1950's before the Zoning Code prohibited residences in the business districts.

Several use variances have been issued to the property. Use Variance UV-2319 approved in 1955 permitted the establishment of a service station. In 1965 the Planning Commission approved Use Variance UV-5474, which permitted the construction of a two-bedroom addition to the existing 588 square foot single-family dwelling.

The Collar family owned and operated the gas station and market until the middle of the 1980's when the business no longer was financially viable. Currently, the building is used as a storage facility for business records and files. The garage portion of the building is now used as storage for motor-vehicle parts and equipment. Aerial photos and site photos are in Attachment D.

SURROUNDING LAND USE:

<u>Direction</u>	<u>Land Use (Specific Plan)</u>	<u>Zoning District</u>
Project Site	Residential/Commercial	C1 “Local Business”
North	Rural Residential	A1 “General Agricultural”
South	Rural Residential	A1 “General Agricultural”
East	Commercial	C1 “Local Business”
West	Low Density Residential	A1 “General Agricultural”

PUBLIC NOTICE AND COMMENTS:

A Notice of Hearing was mailed and posted as required by State law. The proposal was sent to the Inter-Canyon League and other interested parties within the community. Local community groups voiced no opposition to the proposed project.

CEQA COMPLIANCE:

Negative Declaration No. PA010107 has been prepared and was posted for public review on 1/10/02. It is attached for your consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA. A finding of that purpose is included in Attachment A.

DISCUSSION/ANALYSIS:

The subject property abuts Silverado Creek. The County of Orange Zoning Map shows the project situated in the FP-2 floodplain zone. However, the project was reviewed by the Subdivision and Grading Section and it was determined that the project is exempt from the requirements of the Floodplain District regulations per Section 7-9-113.10.

The intent of the C1 “Local Business” District is to provide for the development and maintenance of medium intensity commercial uses serving the needs of the surrounding neighborhood and the local community. The C1 District allows for retail and service business uses. The applicant is proposing a vehicle and boat storage facility as well as a retail wood lot on the vacant portion of the property. A minimum of 16 parking spaces will be provided for the facility. These parking spaces are not for vehicle storage but for customer convenience.

The applicant has agreed that no hazardous materials will be stored or disposed of on site and no new blacktop will be added on the site (surface material will remain as they are). Signs stating that repairs to vehicles and disposing of hazardous materials are prohibited will be posted on site as required by Condition of Approval #13. Environmental Services Planning Division issued a Negative Declaration stating that proof shall be submitted to the Manager of Subdivision and Grading Services that previously used underground gas tanks have been removed and that the soil is free from contamination. See Attachment B for conditions relating to these environmental issues.

Zoning Code Section 7-9-132 requires opaque screening to be installed and maintained along all district boundaries where the premises abut areas zoned for residential or agricultural uses. However, due to the fact that the commercially zoned site is located below the residentially zoned properties on hills above the subject site, opaque fencing would not provide effective screening. Furthermore, wood slats cannot be

installed in the fencing on the rear of the property due to the proximity to the floodplain and the necessity for any storm-water runoff to flow unimpeded into the creek-bed.

A condition of approval will require the applicant install a chain link fence as shown on plot plan, which will encompass only the vehicle/boat storage area and the commercial wood-lot area. This precaution is being implemented to prohibit patrons from gaining access to the creek-bed area. The project area will consist of 15,000 square feet to be enclosed behind a 5' high chain link fence in the back. An 8' high chain link fence with wood slats will be located in the front of the project, which will obscure the site from Silverado Canyon Road. Two 15' wide gates will provide access to the vehicle and boat storage area. One gate will be located in the front of the facility and another will be located in the back. Another condition of approval will require the applicant to provide landscaping in front of the site to minimize the visual impact as viewed from Silverado Canyon Road. The project site will also be required to clean up any non-permitted uses that are located on the property including commercial trailers and portable buildings. Attachment B contains a complete list of Conditions of Approval and mitigation measures as required for the project environmental documentation.

CONCLUSION:

Many of the residences in the surrounding area have recreation vehicles, boats, or old vehicles on their properties. This proposal would provide a space to store these recreation vehicles and help to clean up the canyon area by condensing idle vehicles to this specialized facility. Also, the existing site will be cleaned up and improved with landscaping. The proposed project would serve the needs of the residences in the local community. Therefore, the proposal will meet the purpose and intent of the C1 District as set forth in Section 7-9-84.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 01-0107 subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Section Chief
CPSD/Site Planning Section

ATTACHMENTS:

- Attachment A. Recommended Findings
- Attachment B. Recommended Conditions of Approval
- Attachment C. Applicant's Letter of Explanation
- Attachment D. Aerial and Site Photographs
- Attachment E. Project Plans
- Attachment F. Environmental Documentation

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.